

REMARKS

Claims 1, 11 and 17 have been amended to more particularly point out and distinctly claim the present invention. In particular, Claim 1 has been amended to include the limitations of canceled dependent Claims 4 and 5. Support for the amendments can be found in original Claims 4 and 5, and on page 12 of the specification, line 22 through page 13 of the specification line 17. Claim 1 has also been amended to remove redundancy in the description of the containment area.

Similarly, Claim 11 has been amended to include the recitation of a flange extending around a portion of the perimeter of the pass-through to maintain the integrity of the containment area for containment of liquid spills within the mat. Support for the amendments can be found on page 12 of the specification, line 22 through page 13 of the specification line 17.

Claim 17 has been amended to clarify that the horizontal portion of the mat that approximates the horizontal foot well surface includes the containment area for containment of liquid spills. Support for the amendments can be found on page 11 of the specification, line 22 through page 12 of the specification line 7. Support for the amendments can also be found in at least Figures 1-9 and 21-23.

Claims 4 and 5 have been canceled.

I. The Rejection of Claim 5 Under  
35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claim 5 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. In

particular, the Examiner states that the words "the perimeter of said pass-through" (Claim 5, lines 4-5) lack sufficient antecedent basis.

Applicant traverses and requests withdrawal of the Examiner's rejection of Claim 5 under 35 U.S.C. § 112, second paragraph. Initially Applicant notes that Claim 5 has been canceled. It is further noted that Claim 1 has been amended to include the limitations of original Claim 5. In addition, Claim 1 has been amended to include the phrase "having a perimeter" to provide antecedent basis to the words "the perimeter of said pass-through" now present in Claim 1. It is believed that the amendments provide proper antecedent basis for the recitation of these terms in Claim 1.

In light of the described amendments to Claim 1, and the canceling of Claim 5, it is respectfully requested that the Examiner withdraw the rejection of Claim 5 under 35 U.S.C. § 112.

II. The Examiner's Rejection of Claims 11-12  
Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte. Specifically, the Examiner states that all the claimed limitations are present in Conte, including, that mat (10) includes a pass-through (44) for a safety belt (16) that maintains the integrity of the conformal surface (20)(24). The Examiner admits that Conte does not explicitly state that the lateral dimension of the mat (10) extends at least 2 or 3 inches beyond the lateral confinement of the safety seat (12). It is the Examiner's opinion that the 2 or 3 inch extension of the lateral dimension beyond the lateral confinement of the safety seat is a matter of design choice, and that it would have been obvious to one of ordinary skill in the art at the

time of the instant invention to design the lateral dimension to extend 2 or 3 inches beyond the lateral confinement of the safety seat. The Examiner states that such a design choice would ensure that a variety of different sized child safety seats could be accommodated within the lateral dimension (unlabeled) of the mat (10).

The Examiner also states that Conte does not explicitly state that the containment area (unlabeled) of mat (10) is capable of holding over one half liter of liquid. It is the Examiner's position that a reasonable interpretation of the dimensions of the seating device disclosed in the Conte drawings would lead one of skill in the art to assume that the device inherently holds in excess of 61.02 cubic inches of water (i.e. a minimum of 8 inches wide, 8 inches long and 1 inch high).

Applicant respectfully traverses the Examiner's rejection of Claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte.

Specifically, Applicant notes the amendments that have been made to Claim 11 to recite that the pass-through has a perimeter and a flange extending from the conformal surface of the mat and extending around at least a portion of the perimeter of the pass-through to maintain the integrity of the containment area for containment of liquid spills within said mat. These amendments are similar to those made herein to Claim 1, as suggested by the Examiner as allowable subject matter. Applicant respectfully submits that Conte does not teach the structure recited in amended Claim 11. Conte does not teach a pass-through and a flange extending from the conformal surface of the mat and extending around at least a portion of the perimeter of the pass-through. Nor does Conte teach a pass-through as claimed for a safety belt or equivalent child seat restraining device as is common in newer automobiles for securing the safety seat to the automobile seat. In contrast, Conte teaches

lashing points on the protective container solely for holding the protective container in position in the motor vehicle seat (Column 4, lines 17-21).

In light of the amendments to Claim 11, Applicant respectfully requests the Examiner withdraw the rejection of Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte. Similarly, Applicant respectfully requests allowance of Claims 12 and 13-14 as dependent upon an allowable base claim (amended Claim 11).

III. The Examiner's Rejection of Claims 1, 3-4, 6, 9, 13-14,  
and 17-19 Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 3-4, 6, 9, 13-14, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Specifically, the Examiner states that all the claimed limitations are present in Conte as applied to Claims 11 and 12 above, with the exception of a mat having a longitudinal dimension that extends beyond the base of the safety seat and into the foot well and having a vertical portion and a horizontal portion that conforms to the foot well.

The Examiner states that Watson et al. teaches the use of a seat protection device (10) that has a longitudinal dimension (unlabeled) that extends into a foot well area (unlabeled). In addition, the Examiner states that device (10) has a vertical portion (16) that conforms to a vertical wall (unlabeled) of a foot well area (unlabeled) and a horizontal portion (22) that conforms to the floor (26) of the foot well area (unlabeled). It is the Examiner's position that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to extend the longitudinal dimension of the mat (10) disclosed by Conte with the teachings of Watson et al., and that such a

modification would extend the protection provided by the Conte device beyond the seat to include a downward extending surface of the vehicle seat and the vehicle floor and would also provide additional traction to the seat occupant when they are entering the vehicle.

Applicant respectfully traverses the Examiner's rejection of Claims 1, 3-4, 6, 9, 13-14, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al.

Specifically with regard to Claims 1 and 11, Applicant notes the amendments that have been made to Claims 1 and 11 to recite that the pass-through has a perimeter and a flange extending from the conformal surface of the mat and extending around at least a portion of the perimeter of the pass-through to maintain the integrity of the containment area for containment of liquid spills within said mat. Applicant respectfully submits that Conte, even in combination with Watson et al. does not teach the structure recited in amended Claims 1 and 11. Conte does not teach a pass-through and a flange extending from the conformal surface of the mat and extending around at least a portion of the perimeter of the pass-through. Nor does Conte teach a pass-through as claimed for a safety belt or equivalent child seat restraining device as is common in newer automobiles for securing the safety seat to the automobile seat. In contrast, Conte teaches lashing points on the protective container solely for holding the protective container in position in the motor vehicle seat (Column 4, lines 17-21).

In light of the amendments to Claims 1 and 11, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Similarly, Applicant respectfully requests allowance of all dependent

Claims 3-4, 6, 9, 13-14, as these Claims are dependent upon an allowable base claim (amended Claims 1 or 11).

With regard to Claim 17, Applicant notes (with emphasis added) the amendments that have been made to Claim 17 to recite that the horizontal portion that conforms to the horizontal foot well surface includes a flange extending from the conformal surface of the mat and extending around at least a portion of the perimeter of the mat to define a containment area for containment of liquid spills within the horizontal portion of said mat.

Applicant respectfully submits that there is no suggestion, other than through impermissible hindsight analysis provided from Applicant's own disclosure, to one of skill in the art to combine the teachings of Conte with Watson et al. Conte is directed to providing protection to motor vehicle seating (Column 1, lines 65-67). Watson et al. teaches a combination seat, equipment holder and ice skate protector device to be placed on a dressing room bench (Column 1, lines 59-66). Neither Conte or Watson et al. teach or suggest protection of a foot well in a moving vehicle, much less containment of liquid spills within a mat conforming to a foot well. Furthermore, the relevant teachings of Conte and Watson et al. are inconsistent with one another. Conte generally teaches protection of seating under a protective container (Column 2, lines 5-14), whereas Watson et al. teach protection of skates place on top of a padded panel (Column 2, lines 4-7). In sum, and in light of the claim amendments made to Claim 17, Applicant submits that the only suggestion to make the combination claimed in amended Claim 17 comes directly from Applicant's own disclosure, and that this is an un-permitted hindsight creation of the claimed invention. In re Fine, 5 U.S.P.Q. 2d 1596, 1599-1600 (Fed. Cir. 1988).

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of

Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,276,752, issued to Conte in view of U.S. Patent No. 5,120,108, issued to Watson et al. Similarly, Applicant respectfully requests allowance of all dependent Claims 18-19, as these Claims are dependent upon an allowable base claim (amended Claim 17).

IV. The Examiner's Notation of Allowable Subject Matter

The Examiner has noted that original Claim 5 would be allowable if re-written to overcome the rejection under 35 U.S.C. 112, second paragraph set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for pointing out the allowable subject matter as described in original Claim 5. Applicant notes that currently amended Claim 1 has been amended to include the limitations "said mat containment area includes a pass-through for a safety belt" recited in original Claim 4, and "a flange outwardly extending at least 1 inch from said conformal surface of said mat" that "extends around at least a portion of the perimeter of said pass-through to maintain the integrity of said containment area for containment of liquid spills within said mat" recited in original Claim 5. Also, Applicant notes the previously described amendments to Claim 1 to overcome the Examiner's rejection of Claim 5 under 35 U.S.C. 112, second paragraph set forth in the Office Action.

Applicant respectfully submits that Claim 1 has been amended to include the limitations recited in Claim 5 and all intervening dependent claims. Applicant respectfully requests allowance of Claim 1, and all non-canceled dependent Claims 2-3 and 6-10.

In a previous office action, the Examiner required the Applicant under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. As a result, Claims 2, 7, 8, 10, 15, 16 and 20 were withdrawn by the Examiner from consideration. In the event that a generic claim is held to be allowable by the Examiner, it is respectfully requested that the Examiner withdraw the restriction of the respective claim(s) under 35 U.S.C. § 121.

It is believed that all of the issues raised by the Examiner in the July 22, 2003 Office Action are addressed herein. Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. Should the Examiner maintain any of the rejections or make new rejections of any of the pending claims, it is respectfully requested that it be pointed out with particularity how the cited reference(s) meet each and every term of each claim with respect to which the rejection is maintained. In the absence of a persuasive showing to that effect, the noted claims should be allowed.

It is further believed that no fees are due for filing this Amendment and Response.



In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned attorney at (858) 442-3257.

Respectfully Submitted,

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